

Update on the Implementation of Housing at Risk Council Recommendations for the City of Toronto

Date:	June 6, 2014
To:	Community Development and Recreation Committee
From:	Deputy City Manager, Cluster A
Wards:	All
Reference Number:	

SUMMARY

At its meeting on June 11, 2013, City Council adopted the recommendations made by the Ombudsman in the report entitled "Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rental Arrears."

This report responds to four recommendations in the June 2013 report concerning expanding the system of automatic withdrawal of Toronto Community Housing (TCH) rental payments prior to residents on social assistance receiving their benefit payments; the protocol between TCH and Toronto Employment and Social Services (TESS) to support clients' rental payments; the establishment of a Commissioner of Housing Equity for TCH; and providing information on the City of Vancouver's training and follow-up services for vulnerable tenants.

RECOMMENDATIONS

The Deputy City Manager, Cluster A, recommends that:

1. The Community Development and Recreation Committee receive this report for information.

Financial Impact

This report has no financial impact beyond what has already been approved in the 2014 budget.

DECISION HISTORY

At its meeting on June 11, 12, and 13, 2013, City Council adopted recommendations in the City Ombudsman's report entitled "Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rental Arrears."

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.CC36.5>

At its meeting on April 1, 2 and 3, 2014, City Council adopted the follow-up report from the City Ombudsman entitled "Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rental Arrears."

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC50.3>

At its meeting on April 1, 2 and 3, 2014, City Council adopted the follow-up report and recommendations from the City Manager conveying Toronto Community Housing's response to the "Housing at Risk" report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC50.4>

ISSUE BACKGROUND

On June 4, 2013, the City of Toronto Ombudsman delivered a report to City Council entitled "Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rental Arrears." The report made recommendations for changes to Toronto Community Housing's business practices as well as changes to Toronto Employment and Social Services' protocols for direct rent payment and information sharing with TCH.

Two subsequent reports to City Council have reported on Toronto Community Housing's progress in adopting the recommendations and the Ombudsman's follow-up to the original recommendations.

This report contains responses to four recommendations in the June 2013 report that were addressed to the City Manager and the Deputy City Manager, Cluster A:

10. That the City Manager, in consultation with the City Solicitor, expand the system of automatic withdrawal of TCHC rental payments prior to residents on social assistance receiving their benefit payments.

11. That the Deputy City Manager, Cluster A, report to the Community Development and Recreation Committee on how the practices of Toronto Employment and Social Services (TESS) support the maintenance of clients' rental payments in good standing and the protocol between TESS and TCHC.

12. That the Deputy City Manager, Cluster A, report to the Community Development and Recreation Committee on the establishment of a Commissioner of Housing Equity for TCHC, as recommended in the LeSage report, and to include any other options to ensure the fair treatment of vulnerable persons in social housing,

13. That the Deputy City Manager, Cluster A, report to the Community Development and Recreation Committee on how the City of Vancouver provides training and follow-up services through private landlord and contracted building managers to vulnerable tenants both inside and outside their public housing portfolio.

COMMENTS

In response to Recommendations 10 and 11: Collaborations - Toronto Employment and Social Services and TCH

TESS and TCH are implementing two related actions that will address the Ombudsman's recommendations, notably a commitment to implement, where necessary, direct payment of Ontario Works (OW) clients' rent to TCH (known as pay-directs) and a joint agreement to improve data sharing.

It has been a longstanding practice of TESS to use pay-directs in cases where OW recipients benefit from this arrangement. In these cases, TCH directly receives the funds to pay rent from TESS. Pay-directs have been used in situations where TCH residents are chronically in arrears and where TESS clients agree with these arrangements.

As of March 2014, there are 7,042 TCH households receiving OW. Of this number, 2,014 OW cases in TCH (28.6%) have their rents paid through pay-directs.

The Ontario Disability Support Program (ODSP), administered by the Province, similarly implements pay-directs, where necessary, when ODSP recipients benefit from and agree with these arrangements.

In discussions with staff from the federal government, it was identified that the Old Age Security (OAS) program does not have the same capacity to issue pay-directs to landlords for rent.

To better support TCH residents, TESS and TCH are negotiating an information sharing agreement through a joint Memorandum of Understanding (MOU). The MOU will identify OW tenants residing in TCHC properties that may be facing eviction, allowing TESS to take a proactive approach and provide the necessary supports to ensure the sustainment of housing for these at-risk clients.

On a pre-set schedule and through a secure encrypted file transfer, TCH will electronically share data with TESS that identifies residents who may be at risk of facing eviction. TESS will then extrapolate the OW clients from the master file, and provide this data to staff for follow up and action. For privacy protection, the data file will be deleted once client matches have been made. TESS and TCH are also exploring options for identifying residents/clients who have not provided information for their annual income and asset review.

This new process will enable proactive service intervention for clients at risk of eviction, help to identify vulnerable clients who may benefit from pay-directs, avoid potential large arrears or loss of subsidy and, most importantly, keep residents housed.

The MOU takes into consideration all applicable privacy policies, which are critically important when sharing client data. Both the City and TCH Legal Services have been engaged throughout the development of the agreement to ensure it complies with privacy regulations.

In addition to these other supports, TESS has developed centralized and integrated procedures to better support vulnerable TCH residents, working in partnership with other City divisions. For example, TESS has a procedure to support tenants in receipt of OW requiring financial assistance for extreme clean-up efforts in response to major pest control infestations (e.g. bed bugs). This coordinated service approach is delivered in partnership with TCH and Toronto Public Health.

As well, TESS works in specific TCH neighbourhoods and provides on-site services to clients, including employment service planning/referrals, workshops on OW employment services, and other programs targeted to specific groups (e.g. lone parents). TESS staff also provides referrals to tax clinics for TCH tenants, ensuring residents access all available financial supports.

In response to Recommendation 12: Commissioner of Housing Equity for TCH

The LeSage report, issued in 2010, recommended that TCH create an independent Office of the Commissioner of Housing Equity (OCHE), to review cases where a senior faced possible eviction for rental arrears. The OCHE was described by Justice LeSage as a remedial measure to prevent further occurrences similar to that experienced by Mr. Al Gosling.

On June 17, 2013, the TCH Board of Directors adopted the recommendations in the City Ombudsman's report entitled "Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rental Arrears." One of the 30 recommendations was that TCH implement the outstanding recommendations made in Justice LeSage's 2010 report. TCH's Board then directed its President and CEO to immediately establish an independent Office of the Commissioner of Housing Equity.

The Search Committee created by the TCH Board of Directors selected Cynthia L. Summers, who began her work on January 6, 2014. The OCHE became operational on April 1, 2014, for an initial term of three years. The OCHE is independent of Toronto Community Housing and the Commissioner of Housing Equity reports directly to the TCH Board of Directors. The OCHE held an Open House on March 27, 2014, at its offices at 339/341 Bloor Street West.

Initially, the OCHE will focus on seniors who may face eviction for arrears. This mandate will expand at the six month mark (October 1, 2014) to include "vulnerable residents" who may face eviction for arrears. TCH continues to work on a definition of "vulnerable resident" and a process by which those residents would be identified to the OCHE.

Under its mandate, the OCHE will review files forwarded to it by TCH. The OCHE will work to promote the resolution of these files and will make recommendations to connect residents to community supports, as appropriate. Files will only proceed to the Landlord and Tenant Board if

approved by the OCHE. The decisions of the OCHE are final, and any directions provided in its decisions will be implemented by TCH.

Relationship Building

Since January 2013, the Commissioner has been working to develop relationships with TCH staff and management, TCH residents, community legal clinics, representatives of the City of Toronto, community stakeholders, and the City of Toronto Ombudsman. The Commissioner has also reached out to Justice LeSage who graciously agreed to act as a mentor to the OCHE. The Commissioner and her staff have been meeting with TCH and have been providing them with advice and direction.

Direct Contact with the OCHE from the Public

The OCHE receives direct inquiries from members of the public regarding information on what the OCHE does, assistance on dealing with rental arrears or loss of subsidy, and assistance or information on matters outside of rental arrears or loss of subsidy. Questions and requests come from TCH staff, TCH residents, community legal clinics and City of Toronto Councillors.

Where matters are outside of the OCHE mandate, staff endeavour to provide information, direction and referrals. Where matters are within the OCHE mandate, and the file has not been referred to their office, the OCHE will take immediate steps to address the issues.

Landlord and Tenant Board Pilot

The OCHE will continually look for ways to further ensure the fair treatment of seniors and vulnerable TCH residents, and ways to further support those individuals in preserving their tenancies.

The OCHE is currently working with TCH on developing a pilot project with the LTB to provide meaningful opportunities for residents to effectively participate in hearings and advocate for themselves during LTB eviction proceedings. The OCHE and TCH are looking to work with the LTB to determine the feasibility of developing new approaches to the LTB mediation process and opening a dialogue about Ontario Human Rights Code accommodation issues affecting tenants in arrears.

The OCHE and TCH plan to have the LTB Pilot implemented in the fall of 2014.

In response to Recommendation 13: City of Vancouver training and follow-up services for landlords of vulnerable tenants

The City of Vancouver directly owns approximately 800 units of non-market housing. The majority of the social housing portfolio is owned and administered by BC Housing, a branch of the provincial government. BC Housing is responsible for the planning, development and delivery of integrated housing, health and social support programs to foster supportive tenant relations and community development throughout the province.

BC Housing funds a province-wide rent support program for seniors. It helps make rents affordable for 17,000 senior households with low to moderate incomes living in private market rental housing.

BC Housing also funds single room occupancy (SRO) hotels for vulnerable households, many of whom are seniors. BC Housing partners with Vancouver Coastal Health (the health authority responsible for the City of Vancouver), which provides supports to residents to help them maintain their health and keep them housed.

In the Lower East Side area of Vancouver, private landlords own and manage SRO hotels. The City of Vancouver identified many issues with these properties, including poor management of buildings and inadequate service to tenants.

In 2009, the City of Vancouver funded a short-term project to provide training for SRO owners and managers. By offering training, the intention was to foster the creation of a pool of well trained staff to manage SRO properties. The City of Vancouver contracted with a consulting company to develop and deliver training. The course focused on property management and maintenance, and on managing in the context of personal issues of vulnerable tenants, such as mental illness, addictions, and rent payment. Training was offered to private owners as well as to the BC Housing funded non-profit SROs. While the course was intended to target privately owned SRO hotels, City of Vancouver staff stated that interest and take-up was greater from the non-profit SROs.

City of Vancouver staff stated that the program resulted in improved property management in the privately owned SRO hotels. Funding for this project ended in 2009.

The SRO hotels under private management are very different from the buildings in which vulnerable seniors live in TCH. However, the Vancouver training program does provide useful information about the positive impact on vulnerable residents of providing training for operators of privately managed buildings.

The City of Toronto's Social Housing Unit provides training to TCH staff on the rent geared to income (RGI) program, with a focus on helping households comply with the requirements of the program and to prevent them from losing their eligibility for RGI assistance. TCH also provides training on RGI administration and provides training to their staff on property management.

In June 2014, THC will begin to incorporate instruction on identifying and responding to vulnerability into their training programs for front-line staff, including staff employed by contracted property management companies. TCH is also reviewing opportunities for their staff to attend training programs offered by the Toronto Hostels Training Centre (supported by the Shelter, Support and Housing Administration division). Subjects that may be appropriate for TCH staff include Introduction to Anti-Racism/Anti-Oppression, Substance Use, Mental Health, Understanding and Managing Aggressive Behaviour, Documentation Skills, Non Violent Crisis Intervention and Harm Reduction.

Conclusion

TCH is committed to implementing the recommendations in the Ombudsman's "Housing at Risk" report. TCH is taking significant steps to ensure the fair treatment of vulnerable senior households in its buildings, both through collaborations with TESS and the establishment of the Office of the Commissioner of Housing Equity.

CONTACT

Rob Cressman
Director, Social Housing Unit, Shelter, Support and Housing Administration
Tel: 416-392-0054
Email: rcressm@toronto.ca

Darrin Vermeersch
Director, Employment and Social Services
Tel: 416-392-8585
Email: dvermee@toronto.ca

SIGNATURE

Brenda Patterson
Deputy City Manager, Cluster A